

## REMARKS

This is intended as a full and complete response to the Office Action dated September 24, 2007, having a shortened statutory period for response set to expire on December 24, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 28-51 are pending in the application. Claims 28-51 remain pending following entry of this response. Claims 28, 36, and 44 have been amended. Applicants submit that the amendments do not introduce new matter.

### Claim Rejections - 35 U.S.C. § 102

Claims 28-51 are rejected under 35 U.S.C. 102(a) and/or 102(e) as being anticipated by *Lewis* (U.S. Publication No. 2003/0040962).

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Lewis* does not disclose "each and every element as set forth in the claim". For example, regarding claim 28, *Lewis* does not disclose recording a compliant state of the computerized apparatus, with respect to the on-demand resource, in which a system function uses the on-demand resource with authorization, wherein on-demand resource is a hardware component of the computerized apparatus. Claims 36 and 44 recite similar limitations. The on-demand resources that *Lewis* discloses are a variety of content (i.e. movies, music, video games, etc.) that is transmitted to a user as a data feed. The on-demand resource, as disclosed in the present claims, is a hardware component (i.e. additional processing power, memory, or storage) of a computerized

apparatus. Therefore, *Lewis* does not disclose recording a compliant state of the computerized apparatus, with respect to the on-demand resource, in which a system function uses the on-demand resource with authorization, wherein on-demand resource is a hardware component of the computerized apparatus.

Additionally, in further regard to the above-mentioned claims, *Lewis* does not disclose initiating a grace period during which the system function continues to use the on-demand resource while in the incompliant state, wherein the computerized apparatus transitions from the compliance state to the incompliant state and then initiates the grace period in a manner providing continuous availability of the on-demand resource to the system function. *Lewis* merely discloses a trial period which allows a user to preview or access content before purchasing the content. In this case, the user was not previously accessing the content before start of the trial period. Therefore, the trial period does not provide a continuation of usage of the content, but only a start of usage. Therefore, *Lewis* does not disclose initiating a grace period during which the system function continues to use the on-demand resource while in the incompliant state, wherein the computerized apparatus transitions from the compliance state to the incompliant state and then initiates the grace period in a manner providing continuous availability of the on-demand resource to the system function.

Therefore, withdrawal of the rejection of claims 28, 36, 44 and the claims that depend therefrom is respectfully requested.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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